

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JASON DEBARGE DEVERS,

Defendant.

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CASE NO. 8:12CR236

ORDER

This matter is before the Court on Defendant Jason Devers's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. (Filing No. 75.) Devers has not yet been sentenced and no judgment has been entered. As 28 U.S.C. § 2255 provides relief for prisoners "in custody under sentence . . . imposed in violation of the Constitution or laws of the United States," Defendant's motion is premature. The instant motion will therefore be dismissed without prejudice to Defendant filing such a motion after any sentencing, judgment, and conclusion of direct appeal.

IT IS ORDERED:

1. Defendant Jason Devers's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Filing No. 75) is denied without prejudice; and
2. The Clerk shall mail a copy of this Order to Defendant at his last known address.

DATED this 30th day of January, 2013.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge